

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONNIE AUSTIN,)
Petitioner,) 2:09cv1111
vs) Electronic Filing
GEROLD ROZUM, et al.,) Judge Cercone
Respondents.) Magistrate Judge Mitchell

MEMORANDUM ORDER

AND NOW, this 7/15 day of October, 2009, after the Petitioner, Ronnie Austin, filed a petition for writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, and upon written review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Document No. 8), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for writ of habeas corpus filed by Petitioner (Document No. 5) is dismissed and a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the Petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P .

DS Cercone

David Stewart Cercone
United States District Judge

cc: Honorable Robert C. Mitchell
United States Magistrate Judge

Ronnie Austin
DL-5915
SCI Somerset
1590 Walters Mill Road
Somerset, PA 15510